

Message Text

SECRET

PAGE 01 VIENTI 08530 171330Z

51

ACTION EA-14

INFO OCT-01 ISO-00 DODE-00 H-03 CIAE-00 INR-10 NSAE-00

RSC-01 PM-07 DRC-01 SSO-00 /037 W

----- 021076

R 171245Z DEC 73

FM AMEMBASSY VIENTIANE

TO SECSTATE WASHDC 7033

INFO AMEMBASSY PHNOM PENH

AMEMBASSY SAIGON

S E C R E T VIENTIANE 8530

E.O. 11652: GDS

TAGS: EAID, MILI, LA

SUBJECT: COMPENSATION FOR DAMAGES

REF: STATE 245454

1) THE DEPARTMENT OF THE AIR FORCE HAS ALLOCATED FUNDS TO BE USED IN PAYMENT OF CLAIMS FOR DAMAGES OR LOSSES IN LAOS CAUSED INADVERTENTLY BY US MILITARY AIRCRAFT. THESE FUNDS ARE AVAILABLE WHEN USAID AND THE AIR ATTACHE, AFTER REVIEWING THE CLAIM, DETERMINE ITS VALIDITY, AND AGREE ON THE AMOUNT OF COMPENSATION TO BE OFFERED. THE USAID AREA COORDINATOR AND A LOCAL LAO SENIOR CIVIL SERVANT INVESTIGATE EACH INCIDENT AND RECEIVE CLAIMS FOR DAMAGES. THE AREA COORDINATOR ASCERTAINS THE EXTENT OF DAMAGE OR LOSS AND FORWARDS THE CLAIM TO USAID VIENTIANE AND THE AIR ATTACHE ALONG WITH AN ESTIMATE OF HOW MUCH THE CLAIM WILL COST. THE USAID CONTROLLER AND THE AIR ATTACHE REVIEW THE CLAIM, ESTABLISH WHETHER THE DAMAGE OR LOSS WAS US CAUSED, AND DETERMINE THE LIMITS OF COMPENSATION.

2) ONCE THE CLAIM IS VALIDATED AND THE AMOUNT TO BE OFFERED DETERMINED, THE AREA COORDINATOR IS NOTIFIED AND NEGOTIATES WITH THE CLAIMANTS. IF THE PROPOSED SETTLEMENT IS AGREEABLE TO THE CLAIMANT, THE AREA COORDINATOR REQUESTS THE MONEY FROM THE AIR ATTACHE, PAYS THE CLAIM, AND OBTAINS A RECEIPT. IF THE INITIAL OFFER IS NOT ACCEPTED, THE AREA COORDINATOR NEGOTIATES THE AMOUNT

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TO BE PAID. IN MOST CASES THE AREA COORDINATOR'S RECOMMENDATIONS

WILL DETERMINE THE USG'S OFFER.

3) THE AMOUNT OF COMPENSATION PAID FOR THE LOSS OF PROPERTY AND BUILDINGS IS NEGOTIATED ON A CASE BY CASE BASIS. PAYMENT FOR LOSS OF LIFE OR LIMB IS BASED ON A SLIDING SCALE DEPENDING ON THE EXTENT OF INJURY, AGE, AND FAMILY STATUS OF THE INDIVIDUAL. AGAIN, THIS IS NEGOTIABLE. MEDICAL EXPENSES ARE NORMALLY INCLUDED IN THE COMPENSATION PAYMENT. PAYMENTS HAVE RANGED FROM APPROXIMATELY \$5,000--IN COMPENSATION FOR AN INCIDENT INVOLVING THE LOSS OF EIGHT LIVES, NINE WOUNDED, AND A HOME DESTROYED-- TO \$20 IN PAYMENT FOR PROPERTY DAMAGE.

4) THESE PAYMENTS ARE NOT SOLATIUM PAYMENTS, WHICH ARE HANDLED SEPARATELY BY THE ARMY ATTACHE AND INSOFAR AS WE ARE AWARE HAVE NOT BEEN APPLIED TO AIR RELATED INCIDENTS.

DEAN

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BOMBING, ACCIDENTAL ATTACK, PROPERTY WAR CLAIMS, INDEMNIFICATION
Control Number: n/a
Copy: SINGLE
Draft Date: 17 DEC 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: VIENTIANE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731220/aaaaaoie.tel
Line Count: 77
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: SECRET
Original Handling Restrictions: n/a
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Reference: STATE 245454
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Review Comment: n/a
Review Content Flags:
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Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
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Review Release Event: n/a
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Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: COMPENSATION FOR DAMAGES
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To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005